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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,602

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Marilyn S. Deas

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LITMAN LAW OFFICES, LTD
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

EXAMINER

COHEN, AMY R

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,602

Applicant(s)

DEAS ET AL.

Examiner

Amy R. Cohen

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 0205.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-12, 15 and 17-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 8-12, 15 and 17-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 17 is objected to because of the following informalities:

Claim 17, lines 2-3 are a repeat of claim 15, lines 10-11, therefore, claim 16 does not further limit claim 15.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (U. S. Patent No. 5,518,803) in view of Hufmann et al. (U. S. Patent No. 5,588,359).

Regarding claims 1-5: Thomas discloses a craft stencil (20), comprising: a sheet of open mesh material (20), said open mesh material having a thread count in the range between forty and one hundred ninety threads per inch (Col 4, lines 40-59); wherein said open mesh allows particulate material to pass therethrough (Col 4, lines 3-39); a coating applied to portions of the mesh material, said coating defining a pattern therein (18, Col 5, lines 13-50); wherein said pattern is formed by uncoated portions of said mesh material predeterminantly disposed within coated portions, such that the coated portions of the mesh material are substantially impermeable to particulate matter and uncoated portions of the mesh material define a pattern permeable to particulate matter, the pattern including at least one guideline (18, Col 5, lines 13-50); whereby

Art Unit: 2859

when the sheet is placed upon a workpiece and a powder applicator is applied to the stencil, the powder passes through the uncoated portions of the mesh material and transfers the pattern to the workpiece.

Thomas discloses the craft stencil wherein said at least one guideline comprises at least one registration mark (18, Col 13-50, any of the design lines in Fig.1 can be considered a guideline, each of them has at least one registration mark which is considered to be the beginning or the end of the guideline).

Thomas discloses the craft stencil wherein said pattern comprises at least one continuous line (Fig. 1).

Thomas discloses the craft stencil wherein said open mesh material is a polyester monofilament mesh (Col 4, lines 12-24).

Thomas does not disclose the craft stencil wherein the coating being semi-transparent.

Hofmann et al. discloses a craft stencil wherein the coating is semi-transparent (Col 3, lines 15-32, Col 5, lines 43-50, Col 6, lines 17-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the coating of Thomas be semi-transparent, as taught by Hofmann et al., so that a user could see through the emulsion and align the pattern easily to the workpiece (Hofmann et al., Col 6, lines 17-30).

Regarding the “whereby when the sheet is placed upon a workpiece and a powder applicator is applied to the stencil, the powder passes through the uncoated portions of the mesh material and transfers the pattern to the workpiece” clause, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claim 4: the shapes of the guideline, i.e., directional arrow disposed on at least one continuous line, absent any criticality, are only considered to be obvious modifications of the shape of guidelines disclosed by Thomas and Hofmann et al. as the courts have held that a change in shape or configuration, without any criticality, is within the level of skill in the art as the particular shape claimed by Applicant is nothing more than one of numerous shapes that a person having ordinary skill in the art will find obvious to provide using routine experimentation based on its suitability for the intended use of the invention. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). Moreover, Thomas and Hofmann et al. disclose that any design and/or shape of pattern is desirable (Thomas, Col 5, lines 13-22, Col 8, lines 52-67).

Regarding claims 8-12: Thomas discloses a method of making a craft stencil, comprising the steps of: providing an untensioned sheet of an open mesh material (Col 5, lines 13-22); applying a single, thin layer of a photosensitive emulsion to one side of said material (Col 5, lines 38-62); exposing areas of said emulsion not covered by said pattern to light while leaving emulsion covered by said pattern substantially unexposed (Col 5, lines 38-62); and removing said unexposed emulsion from said material (Col 5, lines 38-62).

Thomas discloses the method wherein said pattern comprises at least one guideline (18, Col 5, lines 13-50).

Thomas discloses the method wherein said at least one guideline comprises at least one registration mark (18, Col 13-50, any of the design lines in Fig.1 can be considered a guideline, each of them has at least one registration mark which is considered to be the beginning or the end of the guideline).

Thomas discloses the method wherein said pattern comprises a plurality of lines (Fig. 1).

Thomas does not disclose the method comprising overlaying said material with a transparent sheet, the transparent sheet having a pattern opaquely printed on a surface thereof,

Art Unit: 2859

the pattern corresponding to areas of said material; removing said transparent sheet from said material; wherein the photosensitive emulsion is semi-transparent.

Hofmann et al. discloses a method comprising overlaying said material with a transparent sheet, the transparent sheet having a pattern opaquely printed on a surface thereof, the pattern corresponding to areas of said material (Col 5, line 43-Col 6, line 30); removing said transparent sheet from said material (Col 5, line 43-Col 6, line 30); wherein the photosensitive emulsion is semi-transparent (Col 5, line 43-Col 6, line 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the method of Thomas specifically disclose using a transparent sheet to form the pattern and to have the photosensitive emulsion be semi-transparent, as taught by Hofmann et al., so that a user could create a pattern on a sheet that will easily be used to form the pattern in the emulsion and to see through the emulsion and align the pattern easily to the workpiece (Hofmann et al., Col 6, lines 17-30).

Regarding claim 12: the shapes of the guideline, i.e., directional arrow disposed on at least one continuous line, absent any criticality, are only considered to be obvious modifications of the shape of guidelines disclosed by Thomas and Hofmann et al. as the courts have held that a change in shape or configuration, without any criticality, is within the level of skill in the art as the particular shape claimed by Applicant is nothing more than one of numerous shapes that a person having ordinary skill in the art will find obvious to provide using routine experimentation based on its suitability for the intended use of the invention. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). Moreover, Thomas and Hofmann et al. disclose that any design and/or shape of pattern is desirable (Thomas, Col 5, lines 13-22, Col 8, lines 52-67).

4. Claims 15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grippi et al. (U. S. Patent No. 4,986,005) in view of Hofmann et al.

Grippi et al. discloses a method of using a craft stencil, comprising the steps of: providing a craft stencil, the craft stencil comprising a material being substantially semi-transparent and comprising portions whereby the portions define a pattern (Col 3, lines 38-46); positioning said craft stencil on a surface of a workpiece (Col 4, lines 17-34); providing a marking powder applicator having a supply of marking powder (Col 3, lines 38-46); applying the marking powder to said craft stencil, the marking powder contacting the surface of said workpiece through said pattern of said craft stencil (Col 3, lines 38-59, Col 4, lines 17-34); and removing said craft stencil from the surface of said workpiece (Col 4, lines 17-34).

Grippi et al. discloses the method wherein said marking powder contacts the surface of said workpiece through the pattern (Col 3, lines 38-59, Col 4, lines 17-34).

Grippi et al. discloses the method wherein said pattern includes at least one guideline (Fig. 1).

Grippi et al. discloses the method comprising the step of using said at least one guideline to align said craft stencil with markings or features on the surface of said workpiece (Figs. 1, 3-5, Col 4, lines 17-34).

Grippi et al. does not disclose the method wherein said craft stencil comprises a sheet of open mesha material having a thread count in the range between forty and one hundred ninety threads per inch, there being a substantially impermeable semi-transparent coating applied to portions of said material, whereby uncoated portions of said material define a pattern.

Hofmann et al. discloses a method wherein said craft stencil comprises a sheet of open mesha material having a thread count in the range between forty and one hundred ninety threads per inch, there being a substantially impermeable semi-transparent coating applied to portions of said material, whereby uncoated portions of said material define a pattern (Col 3, lines 15-31, Col 6, lines 17-30).

Art Unit: 2859

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the craft stencil of Grippi et al. be comprised of a mesh material comprising a coating, as taught by Hofmann et al., in order to have a craft stencil which can provide a pattern of closely spaced features while maintaining the integrity of the craft stencil (Hofmann et al., Col 2, line 60-Col 3, line 10).

Response to Arguments

5. Applicant's arguments with respect to claims 1-5, 8-12, 15, 17-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose template devices Komata et al. (U. S. Patent No. 5,992,316) and Elliot (U. S. Patent No. 5,847,689).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R. Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2859

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC
February 21, 2006



Diego Gutierrez
Supervisory Examiner
Tech Center 2800